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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,214	03/10/2004	Toshihisa Nakano	2004_0385A	2392
52349 7590 06/07/2011 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
SCHMIDT, KARI L				
ART UNIT		PAPER NUMBER		
2439				
NOTIFICATION DATE		DELIVERY MODE		
06/07/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ddalecki@wenderoth.com

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Office Action Summary

Application No.

10/796,214

Applicant(s)

NAKANO ET AL.

Examiner

KARI SCHMIDT

Art Unit

2439

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 61-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 61-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsman's Patent Drawing Review (PTO-945)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/8/2011, 4/18/2011
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 18 April 2011 has been entered.

Notice to Applicant

This communication is in response to the argument/remarks filed on 04/18/2011. Claims 61-67 are pending. Claims 1-60 have been cancelled. Claims 61-67 have been newly added.

Response to Arguments

Applicant's arguments with respect to claims 61-67 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 61-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asano et al. (US 2002/0150251 A1) in view of Tsuria et al. (US 2004/0030898 A1).

Claim 61 and 66-67

Asano discloses a recording apparatus for recording an encrypted content onto a recording medium storing first media key data and a first encrypted content, the first media key data including a plurality of first encrypted media keys each generated by encrypting one first media key using a corresponding device key of a plurality of first device keys, the first encrypted content being generated by encrypting a content using a first media key (see at least, [0032]-[0035], [0070], [0098]), the recording apparatus comprising: a device key storing unit storing a device key assigned to the recording apparatus (see at least, [0033]: the examiner notes the KRB stored o itself (e.g. recording or reproducing device); a storing unit storing second media key data including a plurality of second encrypted media keys each generated by encrypting one second media key using a corresponding device key of a plurality of second device keys (see at least, [0087]: devices 0 and 1 are in need of ... as renewal node keys... and [0098]: plural encrypted keys are contained in KRB... encrypted by the leaf key K0010 owned

by the device, so that the device is able to decrypt the encrypted key by the device's own leaf key to obtain...)); a comparing unit operable to compare the first media key data stored in the recording medium with the second media key data stored in the storing unit, so as to judge which of the first media key data and the second media key data is newer (see at least, [0032]-[0033]: the recording or reproducing device is enabled... for calculating a ... media key); disclose a content decrypting unit operable to, when the comparing unit judges that the second media key data is newer than the first media key data, obtain the one first media key from the first media key data using a corresponding device key of the plurality of first device keys, and decrypt the first encrypted content stored in the recording medium using the obtained one first media key, so as to generate a content (see at least, [0126]-[0131]: the media key is calculated base don the KRB... decrypting the content then is generated based on the so calculated media key... and [0144]-[0154]: KRB of version T1... the KRB of the version T2 is newer...); a content encrypting unit operable to obtain the one second media key from the second media key data using a corresponding device key of the plurality of second device keys, and encrypt the content generated by the content decrypting unit using the obtained one second media key, so as to generate a second encrypted content (see at least, [0126]-[0131] and [0144]-[0154]); a deleting and writing unit operable to delete the first media key data the recording medium, and write the second media key data and the second encrypted content generated by the content encrypting unit to the recording medium (see at least, [0034] and [0153]-[0154]: the contents data are encrypted based on this media key...).

Asano fails to disclose a deleting and writing unit operable to delete the first encrypted content from the recording medium.

Tsuria discloses a unit operable to delete encrypted content from a recording medium (see at least, [0011]).

It would have been obvious to one of ordinary skill in the art to modify the teachings of Asano's recording or reproducing device apparatus to include a unit operable to delete encrypted content from a recording medium as taught by Tsuria. One of ordinary skill in the art would have been motivated to combine the teachings in order to ensure unusable content is disposed off (see at least, [0011]).

Claim 62

Asano discloses wherein the first encrypted content includes a first encrypted content key and encrypted content data, the first encrypted content key being generated by encrypting a content key using the one first media key, and the encrypted content data being generated by encrypting content data using the content key, and the second encrypted content includes a second encrypted content key and the encrypted content data, and the second encrypted content key being generated by encrypting the content key using the one second media key (see at least, [0126]-[0131] and [0144]-[0154]).

Claim 63

Asano discloses herein the content decrypting unit obtains one encrypted media key corresponding to the recording apparatus from the plurality of first encrypted media keys included in the first media key data, and decrypts the one encrypted media key obtained by the content decrypting unit using the corresponding device key to generate the one first media key, and the content encrypting unit obtains one encrypted media key corresponding to the recording apparatus from the plurality of second encrypted media keys included in the second media key data, and decrypts the one encrypted media key obtained by the content encrypting unit using the corresponding device key to generate the one second media key (see at least, [0126]-[0131] and [0144]-[0154]).

Claim 64

Asano discloses the first media key data includes first version information indicating a generation of the first media key data, and the second media key data includes second version information indicating a generation of the second media key data, and the comparing unit judges which of the first media key data and the second media key data is newer by comparing the first version information with the second version information (see at least, [0144]).

Claim 65

Asano discloses the first media key data includes first time information indicating a time at which the first media key data is generated, and the second media key data includes second time information indicating a time at which the second media key data is generated, and the comparing unit judges which of the first media key data and the second media key data is newer by comparing the first time information with the second time information (see at least, [0162]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KARI SCHMIDT whose telephone number is (571)270-1385. The examiner can normally be reached on Monday - Friday: 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kari L Schmidt/
Examiner, Art Unit 2439

/Edan Orgad/
Supervisory Patent Examiner, Art Unit 2439